

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD ALLEN PARKS,

Plaintiff

-vs-

LUZERNE COUNTY CORRECTIONAL
FACILITY, et al.,

Defendants

CIVIL NO. 3:CV-05-2030

(Judge Kosik)

MEMORANDUM AND ORDER

NOW, this 22nd day of December, 2005, IT APPEARING TO THE COURT THAT:

(1) Plaintiff, Richard Allen Parks, an inmate confined at the Luzerne County Correctional Facility, filed the instant civil rights action pursuant to 42 U.S.C. §1983 on October 5, 2005;

(2) The matter was assigned to Magistrate Judge Thomas M. Blewitt;

(3) On November 30, 2005, the Magistrate Judge filed a Report and Recommendation in which he recommended that the action be dismissed for failure to state a claim under the Eighth Amendment and because Luzerne County Correctional Facility was not a person for purposes of 1983;

(4) Specifically, the Magistrate Judge found that the plaintiff failed to state a cognizable Eighth Amendment deliberate indifference claim and conditions of confinement claim. Moreover, the Magistrate Judge found that the Luzerne County Correctional Facility was not a proper party defendant;

(5) No objections were filed to the Magistrate Judge's Report and Recommendation;

AND, IT FURTHER APPEARING THAT:

(6) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28

U.S.C.A. §636(b)(1)(C); *Thomas v. Arn*, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give “reasoned consideration” to a Magistrate Judge’s report prior to adopting it. *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987).

(7) Having considered the Magistrate Judge’s Report, we agree with the recommendation;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

(1) The Report and Recommendation of Magistrate Judge Thomas M. Blewitt dated November 30, 2005 (Document 9) is **ADOPTED**;

(2) The plaintiff’s claims are **DISMISSED**; and,

(3) The Clerk of Court is directed to **CLOSE** this case and to forward a copy of this Memorandum and Order to the Magistrate Judge.

s/Edwin M. Kosik
United States District Judge